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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DATSKOVSKIY, MICHAEL V

ART UNIT PAPER NUMBER

2835

DATE MAILED: 04/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/975,292

Applicant(s)

RUDD ET AL.

Examiner

Michael Datskovsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 10 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 8-11, 13, 15-18 and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Twyford.

Twyford teaches a system, Figs.1-11, for personalizing an electrical device, comprising: an electrical device (keyboard 20 for computer) having a plurality of buttons openings 136 that are adapted to receive removable buttons 24 (keyboard switches which are inherently provided with different icons) that can be interchangeably disposed within the buttons openings 136 of the electrical device 20, the buttons 24 being provided with a variety of discrete features, such as a plurality of contact members – (electrical encoding), and mounting means – (mechanical encoding), so as to be selectable by a user to personalized the device as desired by the user (see abstract and also col.2, lines 31-59) by initiating particular functionalities of said computer irrespective of the buttons locations. Twyford teaches furthermore said buttons 24 includes functionality sensing elements comprising pin openings 80 adapted to receive pins 76, 78 of the removable buttons 24. Regarding the claims 18 and 20-22: The method steps are inherently necessitated by the device structure as Twyford shows it.

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Twyford in view of Morgan.

Twyford teaches all the limitations of the claim except the buttons features comprise a variety of colors. Morgan teaches a keyboard, Figs.1-7, comprising a plurality of buttons which features include a variety of colors (col.4, lines 45-53). It would have been obvious to one skilled in the art at the time invention was made to employ buttons having features comprising a variety of colors as it is shown by Morgan in the device by Twyford in order to facilitate recognition of the buttons.

5. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Twyford in view of Canova et al.

Twyford teaches all the limitations of the claim except the buttons features comprise a variety of colors. Canova et al teach an electrical device, Fig.1, comprising a plurality of buttons 130 which features include a variety of textures and shapes (col.3, lines 26-29). It would have been obvious to one skilled in the art at the time invention was made to employ buttons having features comprising a variety of textures and shapes as it is shown by Canova et al in the device by Twyford in order to facilitate recognition of the buttons.

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6. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Twyford in view of Murphy.

Twyford teaches all the limitations of the claim except the buttons features comprise a variety of tactile qualities (claim 6), or Braille indicia (claim 7). Murphy teaches an electrical device 120, Figs.1-4, comprising a plurality of buttons 10 which features include a variety of tactile qualities including Braille indicia. It would have been obvious to one skilled in the art at the time invention was made to employ buttons having features comprising a variety of tactile qualities including Braille indicia as it is shown by Murphy in the device by Twyford in order to facilitate recognition of the buttons.

7. Claims 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Twyford in view of Anten.

Twyford teaches all the limitations of the claim except the functionalities pertain to emitting particular sounds when the buttons are depressed. Anten teaches an electrical device 100, Figs.1-5, comprising a plurality of buttons 130 wherein functionalities pertain to emitting particular sounds when the buttons are depressed. It would have been obvious to one skilled in the art at the time invention was made to employ buttons wherein functionalities pertain to emitting particular sounds when the buttons are depressed as Anten shows it in the device by Twyford in order to facilitate recognition of the buttons. Regarding the claim 19: The method steps are obviously necessitated by the device structure as Twyford and Anten show it.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wolf et al (US Patent 5,668,358); nelson (US Patent 4,292,515);

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Abecassis (US Patent 5,253,940); Birdwell (US Patent 4,906,117); Iggulden et al (US Patent 5,729,222) and Aggus et al (US Patent 5,907,612).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Datskovsky whose telephone number is (703) 306-4535. The examiner can normally be reached on Mn - Fry 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E. Schuberg can be reached on (703) 308-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Patent Examiner

Michael Datskovsky



April 9, 2003